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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,281	02/09/2001	Ikuo Nakamura	112857-200	8042
29175	7590	07/12/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			RYMAN, DANIEL J	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/780,281

Applicant(s)

NAKAMURA, IKUO

Examiner

Daniel J. Ryman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant asserts that the objection to the abstract is incorrect because the time is “set” and not “sent.” Nonetheless, Examiner maintains that the phrase “time information can be set to the electronic device” is improper. The “to” in the phrase indicates a value to which the “time” will be set. As written, the phrase indicates that the time will be set to the value of “the electronic device.” Thus, the current wording is incorrect. Since Applicant desires to have the word “set,” Examiner suggests changing the phrase to “set by the electronic device.”
2. Applicant's arguments filed 6/29/2005 have been fully considered but they are not persuasive. On pages 7-8 of the Response, Applicant asserts that “a person of ordinary skill in the art would not be motivated to combine *Shteyn* and *Tobias* because *Shteyn* does not disclose, teach or suggest controlling the time function or timing of different devices to synchronize the timing of those devices.” While Examiner agrees that *Shteyn* does not expressly disclose controlling the time function of different devices, Examiner maintains that the combination of *Shteyn* and Applicant's admitted prior art does teach this limitation. *Shteyn* teaches, as prior art, the structure and functions of various devices in the HAVi network, including how one device can control another device. Applicant teaches, as prior art, that some devices in an HAVi network use a time compensating function. Thus, the combination of *Shteyn* and Applicant's admitted prior art teaches that the HAVi network controls the time function of various devices to synchronize the timing of those devices. Thus, Examiner maintains that one of ordinary skill in the art would have been motivated to combine the teachings of *Tobias* with the teachings of *Shteyn* in view of Applicant's admitted prior art.

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3. Applicant further asserts that the teaching of Applicant's admitted prior art "does not remedy the fact that *Tobias* is directed to a method and system for synchronizing the timing of various multimedia events and controlling one or more other devices, where in contrast, *Shteyn* describes a high data rate home audio network which controls a device in a low data rate network but does not describe synchronizing the timing of any events." Examiner, respectfully, disagrees. Examiner only relies upon the prior art teachings of *Shteyn* regarding the HAVi network. Therefore, *Shteyn*'s inventive teachings regarding the control of a low data rate network on a high data rate network do not teach away from the combination since these teaching are never used for the combination. Further, as outlined above, the combination of *Shteyn* and Applicant's admitted prior art clearly teaches that the HAVi network controls the time function of various devices to synchronize the timing of those devices. Therefore, Examiner maintains that *Shteyn*, as modified by Applicant's admitted prior art, is properly combinable with *Tobias*.

4. Applicant further asserts, on page 8 of the Response, that "although Applicant's [sic] states that some digital HAVi devices have time compensating functions and others do not, the specification does not detail that such devices have a time setting function determining part as in the claimed invention." Examiner, respectfully, disagrees.

5. *Shteyn* teaches that, in an HAVi network, a controller is used to determine the functions of each device (col. 3, line 51-col. 4, line 4; col. 4, lines 26-42; and col. 4, line 53-col. 5, line 1). Applicant teaches as prior art that in an HAVi network some devices have time compensating functions which other do not (pg. 1, line 14-pg. 2, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have *Shteyn*'s controller determine whether or not a device has a time compensating function in order to determine how to

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control the device. As such, Examiner maintains that Shteyn in view of Applicant's admitted prior art teaches a time setting function determining part.

6. On page 9 of the Response, Applicant goes on to assert that Tobias "does not disclose, teach or suggest a time setting function determining part that determines whether a plurality of electronic devices have a time setting function corresponding to the control information obtained from a control information obtaining part as in the claimed invention." In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Examiner, respectfully, submits that a time setting function determining part is taught by Shteyn in view of Applicant's admitted prior art, as outlined above. Therefore, Tobias is not required to teach this limitation. As such, Examiner maintains that the time setting function determining part is taught by the combination of the cited prior art, even if it is not taught by all of individual references comprising the combination.

7. Additionally on page 9 of the Response, Applicant argues that Tobias "does not disclose, teach or suggest a time information setting part for setting the time information obtained by the time information obtaining part to each of the electronic devices determined as devices have [sic] the time setting function by the time setting function determining part." Examiner, respectfully, disagrees. Examiner outlined in the Office Action how Tobias reads on a "time information setting part." Since Applicant only alleges that Tobias fails to meet this limitation without providing additional arguments detailing how Tobias fails to teach a "time information setting part," Examiner will rely on the Office Action to rebut Applicant's assertion. If Applicant wishes

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to pursue this argument, then Examiner requests additional explanation as to why Tobias fails to read on the "time information setting part."

8. For the above reasons, Examiner maintains that the cited prior art renders the claims obvious.

### *Specification*

9. The abstract of the disclosure is objected to because in line 11 "set to" should be "set by". Correction is required. See MPEP § 608.01(b).

10. The disclosure is objected to because of the following informalities: on page 2, line 23, "set to" should be "set by".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shteyn (USPN 6,199,136) in view of Applicant's admitted prior art in further view of Tobias, II et al. (USPN 5,530,859).

13. Regarding claims 1, 11, and 12, Shteyn discloses a controlling apparatus for exchanging an information signal among a plurality of electronic devices through a network system, comprising: a control information obtaining part (device control module) for obtaining control information (self describing data) from the plurality of electronic devices, the control

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information allowing the plurality of electronic devices to be controlled (col. 3, line 51-col. 4, line 4; col. 4, lines 26-42; and col. 4, line 53-col. 5, line 1).

Shteyn does not expressly disclose a time setting function determining part for determining whether the plurality electronic devices have a time setting function corresponding to the control information obtained by the control information obtaining part. However, Shteyn does disclose a function determining part (DCM) for determining whether the plurality electronic devices have a function corresponding to the control information obtained by the control information obtaining part (col. 3, line 42-col. 4, line 19; col. 4, lines 26-42; and col. 4, line 53-col. 5, line 1). Applicant teaches as prior art that some devices in HAVi use a time compensating function while others do not (pg. 1, line 14-pg. 2, line 4). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a time setting function determining part for determining whether the plurality electronic devices have a time setting function corresponding to the control information obtained by the control information obtaining part in order for the controller to determine if the device needs to have a clock set.

Shteyn in view of Applicant does not expressly disclose a time information obtaining part for obtaining time information and a time information setting part for setting the time information obtained by the time information obtaining part to each of the electronic devices determined as devices having the time setting function by the time setting function determining part. Tobias teaches, in a system for synchronizing audio and video information (col. 8, lines 62-65), using a time information obtaining part for obtaining time information (col. 6, line 66-col. 7, line 35 and col. 7, lines 51-64); and a time information setting part for setting the time information obtained by the time information obtaining part to each of the electronic devices

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determined as devices having a time setting function (col. 6, line 66-col. 7, line 12 and col. 7, lines 29-35) in order to synchronize the timing of devices in a flexible manner (col. 6, line 66-col. 7, line 21). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to have a time information obtaining part for obtaining time information and a time information setting part for setting the time information obtained by the time information obtaining part to each of the electronic devices determined as devices having the time setting function by the time setting function determining part in order to synchronize the timing of devices in a flexible manner.

14. Regarding claim 2, Shteyn in view of Applicant in further view of Tobias discloses that the network system is composed of an IEEE 1394 serial bus (Shteyn: col. 1, lines 43-56).

15. Regarding claim 3, Shteyn in view of Applicant in further view of Tobias discloses that the control information obtaining part obtains the control information when a topology of the network changes (Shteyn: col. 2, line 66-col. 3, line 31 and col. 3, line 42-col. 4, line 25).

16. Regarding claim 4, Shteyn in view of Applicant in further view of Tobias discloses that the control information obtained by the control information obtaining part is composed of a control program for controlling the electronic devices and device attribute information of the electronic devices (Shteyn: col. 3, line 51-col. 4, line 4; col. 4, lines 26-42; and col. 4, line 53-col. 5, line 1).

17. Regarding claim 5, Shteyn in view of Applicant in further view of Tobias suggests using a time setting permission determining part for determining whether the electronic devices permit an external setting operation of the time information (Applicant: pg. 1, line 14-pg. 2, line 4) where some devices do not require a time set since the devices already contain an internal clock;



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wherein the time information setting part sets the time information to the electronic devices whose external setting operation has been permitted by the time setting permission determining part (Tobias: col. 6, line 66-col. 7, line 12 and col. 7, lines 29-35).

18. Regarding claim 6, Shteyn in view of Applicant in further view of Tobias discloses a time setting displaying part for displaying the electronic devices to which said time information setting part is capable of setting the time information (Shteyn: col. 2, lines 36-42 and Tobias: col. 19, lines 36-65).

19. Regarding claim 7, Shteyn in view of Applicant in further view of Tobias discloses a time setting selecting part for selecting an electronic device from the electronic devices displayed as devices that are capable of setting the time information by the time setting displaying part (Shteyn: col. 2, lines 36-42 and Tobias: col. 19, lines 36-65).

20. Regarding claim 8, Shteyn in view of Applicant in further view of Tobias discloses that the time information obtaining part obtains the time information from the outside of the network system (Tobias: col. 7, lines 16-20 and col. 7, lines 51-64).

21. Regarding claim 9, Shteyn in view of Applicant in further view of Tobias discloses a time compensating function determining part for determining whether the electronic devices have a time compensating function corresponding to time information obtained from the outside, the time compensating function allowing the electronic devices to compensate time thereof (Applicant: pg. 1, line 14-pg. 2, line 4); wherein the time information setting part sets the time information obtained by the time information obtaining part to the electronic devices determined as devices that do not have the time compensating function by the time compensating function

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determining part (Tobias: col. 6, line 66-col. 7, line 12 and col. 7, lines 29-35), where some devices do not require a time set since the devices already contain an internal clock.

22. Regarding claim 10, Shteyn in view of Applicant in further view of Tobias suggests that the time information obtaining part obtains the time information from the electronic devices determined as devices that have the time compensating function by the time compensating function determining part (Applicant: pg. 1, line 14-pg. 2, line 4 and Tobias: col. 7, lines 16-20 and col. 7, lines 51-64) where Applicant discloses that the time compensating function has a time source and where Tobias discloses using a time source to set a time for a device such that it would have been obvious to use a time source in the system to set the time.

### *Conclusion*

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dockter et al. (USPN 5,420,801) see entire document which pertains to synchronization of multimedia streams.

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 Daniel J. Ryman  
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